

**MINUTES  
BOARD OF ADJUSTMENT  
JANUARY 13, 2015**

Chair John called the meeting to order at approximately 7:00 p.m. Those members attending included Philip Clithero, Fred Carroz, Elizabeth Peters, David Townsend, and Martha John. Also attending were the Deputy City Clerk, Megan Eldridge, Senior Plan Reviewer, John Simon, Senior Building Inspector, Doug Kenney, and Assistant City Counselor, Ryan Moehlman.

The minutes from the regular meeting of November 11, 2014 and the work session of December 9, 2014 were approved as submitted on a motion by Mr. Townsend and a second by Mr. Clithero.

The following case, properly advertised, was considered. All persons testifying were duly sworn by the Deputy City Clerk.

**Case Number 1893 was a request by Tom Harrison, attorney for Ehrhardt's Macon, LLC, for a variance to the sign ordinance by allowing wall signage that exceeds the maximum square feet permitted on property located at 1400 Creekwood Parkway (Parcel No. 17-102-00-02-009.02 01).**

Chair John opened the public hearing.

Tom Harrison, an attorney with offices at 1103 E. Broadway, provided a handout and asked for it to be admitted into the record. He stated this property would be a Candlewood Suites hotel located a block off of Clark Lane, in front of Liberty Square shopping center and behind White Castle and several other area restaurants. The project was in the final stages of completion and was contemplated to open in April. He explained the signs at issue were four wall signs that would be affixed to the hotel's exterior: two on the west side, one on the east side, and one on the south side. He noted they had applied for a freestanding sign which had been approved, and therefore was not part of this request. He commented that this was a heavily commercial and retail area as there were commercial and retail establishments along Clark Lane in front of this hotel, and at least one hotel, maybe two, located on the opposite side of Clark Lane. He pointed out the smallest sign a franchisee was permitted to construct was 97 square feet, so there would be franchising issues if this variance was not granted. They thought the franchisor's requirement constituted the hardship and practical difficulties needed for this variance. He stated there were many large signs in the area and did not think what they were requesting was out of character with the neighborhood, and believed their request was in the interest of justice.

Chair John asked why the applicant chose to install all wall signs instead of a freestanding sign. Mr. Harrison replied one freestanding sign would be erected and a permit had already been approved for it.

Scott Ehrhardt, 52804 Norwoods Place, Hannibal, Missouri, explained the monument sign would be located on the southwest corner of the property and was not a high-rise sign. He and his father were the owners and developers of this property, and this would be his fifth Candlewood Suites they had developed, so they had a lot of experience owning, operating, building, and developing these properties. He stated Candlewood Suites catered to people who were possibly staying a

week, a month, or longer. In addition, Candlewood Suites was not a top-of-mind name, so signage was very critical as hotel guests would arrive late at night and need to find the hotel. He believed the aesthetics of the volume of the signage blended in with the building, and noted the larger sign in the middle of page 5 of the handout provided by Mr. Harrison was designed to fit with the building. Chair John asked if the hotel's main entrance was below that sign. Mr. Ehrhardt replied it was, and explained there was a reciprocal sign on the back side of the hotel that was the same size and volume.

Mr. Ehrhardt explained their proposed signage was not a big box that sat on the building, and each letter of the sign was mounted to the exterior of the building. He noted each sign was backlit, which was unique in nature. He mentioned the measurements they calculated were larger because they measured it as one big box, but understood it could be measured differently as was shown on page 4 of the handout provided by Mr. Harrison. Using this other method, the proposed smaller sign was 62.3 square feet and the proposed larger signs over the front and rear entrances were 83.5 square feet. He noted they would still need a variance of about 20 square feet for the larger signs.

Mr. Moehlman asked what was unique about the physical characteristics of this property that would not allow compliance with the sign code. Mr. Ehrhardt replied the property only fronted one public street, which was Creekwood Parkway. He noted he learned tonight that 64 square feet was allowed per private street, so they would be able to erect a wall sign of 64 square feet per side around the property. He stated the ability to find the hotel was unique to this property because guests would be arriving late at night. He commented that sign number 1 was critical for the main entrance, sign number 3 was critical for traffic coming down Clark Lane, and sign number 4 was needed for visibility to the south. He noted they did not plan to install any signage on the north side in order to be respectful of the mobile home park.

Mr. Moehlman asked if conforming to the sign code would prevent the applicant from operating a hotel on this property. Mr. Ehrhardt replied it would not prevent them from operating a hotel, but it would diminish their chances for success. The hotel was a four-story 48,000 square foot building, and their proposed plans were the brand and design of the hotel. He noted there were only 320 Candlewood Suites, whereas other brands had 1,000 or 2,000 hotels, so he felt the signage volume they were requesting was needed in order to be successful due to the brand's infancy.

Mr. Moehlman asked if Mr. Ehrhardt had known about the sign code restrictions when he had purchased the property. Mr. Ehrhardt replied no, and explained checking the sign code was not one of the first things done when purchasing property. He commented that they ran into the issue when constructing the property and determining the volume of signage needed.

Mr. Moehlman noted Section 23-25.1 of the Code of Ordinances allowed for an increase in wall signs as long as a freestanding sign was not on the property. He asked if any calculations were done to determine if the applicant could meet the franchise standards by eliminating the freestanding sign. Mr. Ehrhardt replied he considered the wall signs to be more important than the monument sign and would be open to eliminating the freestanding sign, but the larger sign would be 83 square feet and the smaller sign would be 62 square feet, so they would still be over 128 square feet meaning a variance would still be needed.

Chair John asked if it was correct that the Code of Ordinances allowed 64 square feet on each side of the building. Mr. Ehrhardt replied yes and stated they had found that out this evening.

Chair John asked for the reason for having two signs on the west elevation and stated from any distance people would be able to see both signs. Mr. Ehrhardt replied if they had to eliminate a sign, sign number 2 could be eliminated, but pointed out the aesthetics of the building were better with both signs.

There being no further comment, Chair John closed the public hearing.

Mr. Clithero asked if it was correct that there could be a sign on each side of the building and that the size of the sign was based on the fact that Creekwood Parkway was a collector street. Mr. Kenney stated that was correct. Mr. Clithero asked if that only determined the size of the sign that faced Creekwood Parkway. Mr. Kenney replied no, and explained the private drive was determined to also be a collector street. Mr. Carroz asked if the private drives were private collector streets. Mr. Kenney replied they were private drives, which fell under a collector street.

Ms. Peters asked for a recommendation from staff. Mr. Simon replied staff did not have a recommendation. He thought the ordinances requirements were clear.

Mr. Clithero asked if the sign code indicated the size of a sign should not be limited if it would cause undue hardship, such as causing confusion for people trying to get to the property. Mr. Kenney replied he was not aware of that specifically being in the code. Mr. Moehlman did not think there was any particular provision for a hardship. Mr. Harrison did not think the language Mr. Clithero was referring to was a part of the ordinance.

Chair John asked how the sign size was determined when it was in a lot of pieces like this sign. Mr. Simon noted the depiction on page 4 of the handout provided by Mr. Harrison was an acceptable method for measuring the sign and had historically been the method used.

Chair John thought the applicant would be in compliance if smaller-sized signs were used and if sign number 2 was eliminated. Mr. Ehrhardt reiterated the larger sign measured at 83 square feet, which was 19 square feet bigger than allowed by ordinance. Chair John clarified she meant putting the smaller sign where the larger sign was shown. Mr. Ehrhardt agreed they would then be in compliance. Mr. Carroz asked if that would constitute an issue with the franchise. Mr. Ehrhardt replied it might cause an issue with the brand and asked that the Board allow them to have the larger sign on the west side where the main entrance was located. Mr. Carroz understood that sign was located above the entrance. Mr. Ehrhardt stated it was, and noted it was sign number 1 on the depiction. Chair John understood the applicant could install smaller signs for signs 3 and 4. Mr. Ehrhardt agreed they could do that, and could eliminate sign number 2, which would allow them to still be able to have the pylon sign. Chair John pointed out they would be a little bit over the allowed square footage. Mr. Ehrhardt agreed and noted they would be 19 square feet over on the west side.

Mr. Carroz asked where the pylon sign would be located. Mr. Ehrhardt replied it would be on the southwest corner. Mr. Townsend asked if removing the monument sign would provide enough room for a larger sign on the front of the building. Mr. Kenney replied that would be determined by

the building's setback, and he did not know the setback, so he was uncertain as to whether the applicant would qualify for the maximum 128 square feet. Mr. Townsend asked if staff would measure from the center of the building or the closest point. Mr. Kenney replied it would be the closest point of the building and noted the setback would be measured 35 feet from the edge of the pavement or curb.

Mr. Carroz asked for the height of the pylon sign. Mr. Kenney replied the application was for a 12 foot height. Mr. Townsend noted 12 feet by 10 feet was shown on the drawing. Ms. Peters understood that sign had been approved because it was a separate sign. Mr. Kenney stated it had been approved because it fit the criteria for a freestanding sign in that location.

Mr. Townsend thought the applicant could probably reduce the pylon sign, and asked if it would have to be eliminated. Mr. Kenney replied it would have to be eliminated. Mr. Townsend understood the pylon sign would have to be eliminated if the applicant wanted a larger sign on the front of the building, which was dependent on the setback, and since the building was L-shaped, he thought the setback would be the tip of the L. Mr. Kenney stated that was correct. Mr. Townsend understood the setback was to the closest point to Creekwood Parkway. Mr. Kenney clarified each side was figured separately. Mr. Simon explained it appeared the applicant would be eligible for an additional 20 feet on the west elevation for the 83 square foot sign if the pylon sign was eliminated. Mr. Townsend understood if that was done the applicant could have a larger sign on the front and would only have to eliminate the smaller sign on the west elevation where there were two signs. Mr. Ehrhardt asked if that same thinking in regard to the setback could be used for the east side. Mr. Simon replied he thought the applicant would only be required to have about 30 feet of setback to get the additional 20 feet at 1.25 feet per setback. Mr. Townsend asked if the applicant would get that additional square footage on all sides of the building or just on the side where the sign would be located. Mr. Simon replied it would be where the applicant had adequate setback.

Mr. Townsend understood the applicant would have a 62.3 square foot sign on the east and south sides and could then have the larger 83.5 square foot sign on the west side. Mr. Simon thought it was clear the applicant had adequate setback for the 83.5 square foot sign if the freestanding sign was removed.

Mr. Townsend asked if the Board could table this case until the next meeting. Mr. Moehlman replied yes. Mr. Townsend thought the applicant might not need the Board to vote on this if they reevaluated and recalculated the signage.

Ms. Peters asked if signage had been a problem for anyone else in this area, such as Home Depot. Mr. Townsend noted those locations were on the main street, and the make-up of the street was different now. Ms. Peters understood there were one or two other hotels in the area. Mr. Townsend noted Super 8 had frontage on I-70, so there was a different ordinance requirement for it, and the Board had granted a height variance for the Super 8 sign because it was blocked by other signs. Mr. Clithero thought there had been an issue in the Liberty Square center that the Board had addressed as well. Mr. Harrison commented that there might have been a height variance for White Castle. Mr. Townsend thought there were a couple variances because the signs could not be seen due to other signs.

Mr. Clithero understood the size of the sign was determined by proximity to Creekwood Parkway. He noted people had to drive down Clark Lane first in order to see the sign to get to the property. Mr. Ehrhardt stated because Candlewood Suites was an extended stay hotel, they liked having more of a setback lot because it was quieter for guests who did not want to be next to the interstate. He understood if the pylon sign was eliminated some signs would then qualify, but felt they needed the pylon sign in order to be successful. He commented that he was open to giving up sign number 2, but would like approval for the other signs.

Chair John stated if the applicant wanted to keep the pylon sign and made the two larger signs smaller, the signs would all be less than 64 square feet.

Ms. Peters understood this was a business in a heavy traffic area, and noted the applicant would not install any signs on the north side to avoid bothering the trailer court. While the Board was trying not to make exceptions and the smaller signage would be nice, she reiterated this was a business in a large business area with lots of other signs.

Mr. Townsend pointed out the Board would also have to determine whether or not there was a hardship due to the character of this property, and whether it was a hardship for business purposes because it was located further back. Mr. Clithero stated the property seemed to be unique due to its location from Clark Lane and how someone would get to the property.

Mr. Clithero commented that the applicant's request was different than what was being discussed. He believed the aggregate size of all of the signs on the building was what was being requested. Mr. Townsend asked if the request itself was accurate. Mr. Moehlman thought the request for the full 718 square feet was accurate and that the overage was overstated in the denial letter. Mr. Clithero stated that did not sound correct to him and noted three signs at 60 square feet and one sign at 80 square feet did not equal 700 square feet. Mr. Townsend mentioned the applicant had requested a total of 718 square feet of wall signs, and the maximum allowed wall signage in conjunction with the freestanding sign was 64 square feet, which made an overage of 654 square feet. Chair John stated it did not add up that way if 64 square feet on each side was allowed. Mr. Townsend stated the square feet of the signs had previously been calculated by measuring the entire box, and the method used by staff to reach that number was not the same method used to get the measurements the Board was seeing tonight. Mr. Kenney explained staff had not provided the correct overage and the private drive had not been considered, which was a mistake. Mr. Townsend understood the denial letter had indicated the applicant could have one sign at 64 square feet because there was only one public collector street. Mr. Kenney stated that was correct and that was the reason for the overage. Staff had actually added 128 square feet to the total square footage allowed. Ms. Peters understood 64 square feet per side would be allowed if the private roads were counted. Mr. Kenney replied that was correct.

Mr. Carroz stated he was inclined to request the removal of sign number 2, while allowing signs 1, 3, and 4 and the pylon sign. Mr. Townsend asked if the Board could do that. Mr. Moehlman replied yes. Mr. Ehrhardt stated he would be open to Mr. Carroz's suggestion.

Mr. Townsend understood Mr. Carroz wanted to approve a variance for sign number 1 as presented in the materials, with the maximum square feet not to exceed 83.5 square feet as measured in the exhibit. Mr. Carroz stated that was correct. Mr. Townsend understood that would

be contingent on removal of the monument sign. Chair John stated the monument sign did not have to be removed. Mr. Clithero thought that if the applicant wanted both signs they would have to remove the monument sign. Chair John noted the applicant would not have to have a variance if the monument sign was removed. Chair John understood the Board would allow the applicant to keep the monument sign, remove sign number 2, and grant a variance for sign number 1 to allow an 84 foot sign. Mr. Townsend thought the Board should probably identify the elevation.

Chair John asked if the applicant would be willing to put a smaller sign on the east side. Mr. Ehrhardt replied he would prefer not to do that.

Chair John thought the biggest sign should be on the west side if that was where the main entrance was located. Ms. Peters noted there was only one sign on the east and someone could be coming from that direction. Mr. Townsend thought visibility from I-70 would be an issue. Chair John asked if that sign would be able to be seen with all of the other things in the way. Mr. Townsend stated the sign from the west would probably be seen. Mr. Carroz felt the sign on the east would not be seen from I-70. Chair John did not think the sign on the east would be seen from either direction.

Mr. Ehrhardt asked if he would be eligible for the setback allowance if he did not have a pylon sign on the east side. Mr. Kenney replied no, and explained the ordinance specified the freestanding sign was per site, and not per elevation.

Mr. Townsend understood Mr. Carroz was suggesting a variance for a single sign on the west elevation not to exceed 84 square feet. Mr. Carroz stated that was correct, along with removal of sign number 2 and keeping the other signs. Mr. Townsend commented that the applicant would just have to make the sign on the east side smaller. Mr. Clithero asked if there was enough setback on that side to allow the sign to be 83 square feet. Mr. Townsend understood that if the Board only granted a variance for that one sign, all of the others would have to conform, which would automatically shrink the sign on the east side.

Mr. Carroz made a motion to vary section 23-25.1 of the sign code to allow an 83.5 square foot sign on the west elevation as measured on page 4 of applicant's supporting exhibits. The motion was seconded by Mr. Townsend.

CASE NO. 1893 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CARROZ, PETERS, TOWNSEND, JOHN. VOTING NO: NO ONE. The variance allowing an 83.5 square foot sign on the west elevation as measured on page 4 of applicant's supporting exhibits was approved.

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully Submitted,

Megan Eldridge  
Deputy City Clerk